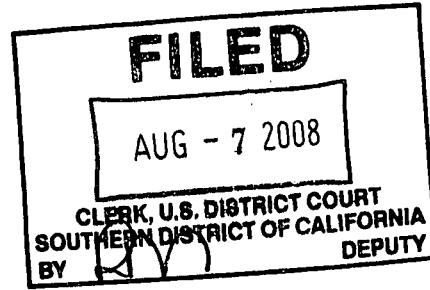


1 BOBBY SHAWN JANOE J25333  
 2 CSATF/SP C-1-120  
 3 P.O.BOX 5244  
 4 CORCORAN CA 93212



5  
 6 IN THE UNITED STATES DISTRICT COURT  
 7 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

8 BOBBY SHAWN JANOE, ) CASE NO.CV 08-0420 JLS(POR)  
 9 Petitioner, )  
 V ) NOTICE OF LODGEMENT OF  
 10 JAMES TILTON, ) EXHIBITS IN SUPPORT OF  
 Respondents. ) TRAVERSE  
 11 ) Judge:Honorable Louisa S.  
 12 ) Porter

13 PLEASE TAKE NOTICE PETITIONER hereby lodges the following  
 14 documents with the Court in support of Traverse:

15 1. Bobby Shawn Janoe Declaration  
 16 2. Copy of envelopes back:  
 17 3. Marilyn Janoe Declaration  
 18 4. Brian Janoe Declaration  
 19 5. AD-SEG form 114-D  
 20 6. Second level response appeal decision  
 21 7. Appeal and decisions  
 22 8. Two page trust account statement  
 23 9. Two page letter from Bret,two checks  
 24 10. Referral form  
 25 11. Copy of envelopes front  
 26 12. Autopsy report,with Toxicology report  
 27 13. One page report of employees in trust office  
 28 14. One stolen check,3,187 dollars

1  
2 Date July 31, 2008

3 Respectfully Submitted,

4   
5 BOBBY SHAWN JANOE

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LODGEMENT ONE

RECEIVED CAL APPEALS SEP 25 2006

## DECLARATION

RECEIVED CAL APPEALS SEP 29 2006

I BOBBY SHAWN JANOE DO DECLARE THE FOLLOWING:

RECEIVED CAL APPEALS OCT 06 2006  
I, BOBBY SHAWN JANOE, personally knowlege of the facts stated herein and  
could testify to there truth if called as a witness.

RECEIVED CAL APPEALS OCT 20 2006  
2. Approximately the third week of April 2006, I was talking with  
my mother, Marilyn Janoe, on the telephone. She mentioned that my  
brother Brian Scott Janoe had ran into Bret Harvey Janoe's  
former wife by accident; that brian went to visit with Bret; that  
Bret stated he was doing good; that Bret was distressed to learn  
Bobby Shawn Janoe was in prison at Calipatria State Prison; that  
Bret stated he would try to send Bobby some funds when he could.

3. I was skeptical about the news of Bret, and did not want to  
talk about Bret, as he had stolen my property about 20 years  
earlier and did disappear.

4. Approximately the last week of April 2006 I received two  
envelopes with no letter in them, but there was numerical writing  
on the outside of the envelope and some other writing, about  
obtaining a attorney for me. I had no idea what was going on  
since I had not spoken to Bret in 20 years. I thought Bret was  
feeling guilty about stealing my property 20 years earlier and  
was trying to make amends by sending funds.

5. I wrote Bret and thanked him for the funds and told him not to  
give any funds to a attorney until he had spoken to me prior.

6. Approximately May 3, 2006 I turned in a trust account withdraw-  
al order to counselor Nava, for 99.00 dollars to my mother for  
financial aid.

7. I turned in a ducat for 75.00 dollars to go to canteen.

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SCREENED OUT SEP 25 2006

SCREENED OUT SEP 29 2006

SCREENED OUT OCT 06 2006

RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006  
2 envelopes from Bret, with no letter inside, but with some numerical  
3 writing on the outside of the envelopes.

RECEIVED CAL APPEALS OCT 20 2006

4 9. I wrote Bret once again thanking him for the funds and asked  
5 him what is going on.

6 10. Approximately May 24, 2006 I turned in a trust account withdrawal  
7 order to counselor Nava for 1,100.00 dollars to my mother for  
8 financial aid.

9 11. I cannot remember when, but I did receive another envelope  
10 from Bret with some numerical writing on the outside of the  
11 envelope, but no letter inside.

12 12. Approximately June 19, 2006 the security and investigations  
13 unit rushed to my assigned cell in the am. They threw my property  
14 all over the cell and proceeded to confiscate every piece of  
15 paper in the cell; all letters; phone books; and photos. I asked  
16 officer Canada what the problem was, but he refused to respond.  
17 I was escorted back to my assigned cell after the search was  
18 completed.

19 13. Approximately June 20, 2006 officer Crittendon and Sergeant  
20 Rutledge returned all of my property, minus the six envelopes I  
21 had received from Bret. Officer crittendon asked me to sign the  
22 Cell/Locker search receipt, to acknowledge they confiscated the  
23 six envelopes I had received from Bret and I did. I asked  
24 officer Crittendon what was going on, but he refused to even  
25 discuss the matter at all. I asked Sergeant Rutledge what was  
26 going on, but he too refused to discuss the matter at all.

27 14. Approximately June 28, 2006 I turned in a trust account withdrawal  
28 order to counselor Nava for 350.00 dollars to the federal

SCREENED OUT

SEP 25 2006

SCREENED OUT OCT 06 2006

SCREENED OUT

SEP 29 2006

CAL A 0602524

RECEIVED CAL APPEALS SEP 25 2006

1 court in San Diego California.

RECEIVED CAL APPEALS OCT 06 2006

2 15. I turned in a ducat for 50.00 dollars to go to canteen.

3 RECEIVED CAL APPEALS OCT 30 2006  
4 16. Approximately July 5, 2006 I turned in a trust account with-  
5 drawal order to counselor Nava for 100.00 dollars to go to the  
6 Superior Court in El Centro California.7 17. Approximately July 10, 2006 I spoke to a counselor in 1  
8 housing building about my trust account, as my trust account with-  
9 drawals were not being processed.10 18. Approximately July 11, 2006 I requested officer rodrigueze to  
11 contact the trust account office to see what the problem was with  
12 my trust account. I spoke to Miss Weitceil in the trust account  
13 office, who stated that Lieutenant Stratton had put a freeze on the  
14 withdrawal of any funds from my account.15 19. Approximately July 12, 2006 I was called to go to the program  
16 office on A-Yard, wherein facility captain Nelson and Lieutenant  
17 Stratton informed me that I was being issued a serious rule  
18 violation(115)for possession of stolen property and check fraud.19 20. On July 13, 2006 I typed up a letter to Miss Weitceil, making  
20 a request that a notation be placed on my trust account, so that  
21 no personal checks be accepted for placement onto to my trust  
22 account ever again.23 21. Approximately July 14, 2006 I received a copy of my trust  
24 account activity, wherein funds were being withdrawn from my  
25 account.26 22. Approximately July 16, 2006 I typed up a letter to Miss  
27 Weitceil, in the trust account office, explaining that funds were  
28 being withdrawn from my account and that those funds were  
illgotten and no one could lay claim to those funds until the

SCREENED OUT

SEP 25 2006

SCREENED OUT

SEP 29 2006

3 SCREENED OUT

OCT 06 2006

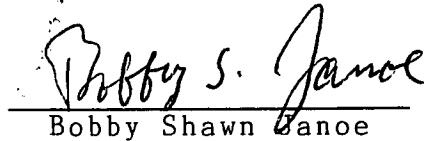
RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 29 2006 investigation was completed.

CAL A 0602524

RECEIVED CAL APPEALS OCT 06 2006

I declare under penalty of perjury under the laws of the  
RECEIVED CAL APPEALS OCT 20 2006 state of California, the foregoing is true and correct. This  
declaration was executed on July 16, 2006, at calipatria California.

  
Bobby S. Janoe

Bobby Shawn Janoe

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SCREENED OUT SEP 25 2006

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SCREENED OUT SEP 29 2006

SCREENED OUT OCT 06 2006

LODGEMENT TWO

CAL A 0602524

RECEIVED CAL APPEALS SEP 29 2005

RECEIVED CAL APPEALS OCT 06 2006

RECEIVED CAL APPEALS OCT 20 2005

Say brother  
Say I know  
Let me know  
what you need

I'll send  
more money  
in a couple  
days

Take ya for 'Sed M  
I am not able to get  
you out of jail now  
to work off your charges  
you on

THIS ENVELOPE IS RECYCLABLE AND MADE  
WITH 30% POST CONSUMER CONTENT.

SCREENED OUT

SEP 29 2006

SCREENED OUT

OCT 06 2006

LODGEMENT THREE

CAL

A 0602524

RECEIVED CAL APPEALS SEP 25 2006

## DECLARATION

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006 I MARILYN JANOE DO DECLARE THE FOLLOWING:

1. I do have personal knowledge of the facts stated herein, of Bret RECEIVED CAL APPEALS OCT 20 2006

4 Harvey Janoe contacting Bobby Shawn Janoe in the months of April 5 to May 2006, and could testify to there truth if called as a 6 witness.

7 2. Approximately the second or thrid week of April 2006 as I 8 talked with my son Brian scott Janoe he mentioned to me that he 9 had ran into Bret Harvey Janoe's former wife; that he had went to 10 talk with Bret; that Bret said he was doing good; that Bret was 11 distressed to learn Bobby Shawn Janoe was in prison at calipatria 12 State Prison; that Bret would try to send Bobby Shawn Janoe some 13 funds when he could. I warned Brian to stay away from Bret as he 14 could not be trusted. I told Brian the last time I had seen Bret 15 was about 20 years ago, as he had stole some property from my 16 house that belonged to me and some property that belonged to 17 Bobby Shawn Janoe, and Bret disappeared.

18 3. Approximately the thrid week of April 2006 as I spoke to Bobby 19 Shawn Janoe on the telephone, I mentioned that Brian had seen Bret 20 and Bret said he was doing good and would try to send him some 21 funds when he got a chance. Bobby Shawn Janoe was skeptical of 22 Bret and really did not want to talk about Bret, as Bret had stolen 23 his property 20 years earlier.

24

25 I declare under penalty of perjury under the laws of the 26 state of California, the foregoing is true and correct. This 27 declaration was executed on 7-18 2006 in Rialto California.

28

  
Marilyn JanoeSCREENED OUT SEP 25 2006  
SCREENED OUT SEP 29 2005

SCREENED OUT OCT 06 2006

LODGEMENT FOUR

RECEIVED CAL APPEALS SEP 25 2006

RECEIVED CAL APPEALS SEP 29 2006

## DECLARATION

RECEIVED CAL APPEALS OCT 20 2006  
**2** I, BRIAN SCOTT JANOE DO DECLARE THE FOLLOWING:

**3** 1. I do have personal knowledge of the facts stated herein, of Bret  
**4** RECEIVED CAL APPEALS OCT 20 2006 Harvey Janoe contacting Bobby Shawn Janoe in the months of April  
**5** to May 2006, and could testify to there truth if called as a

**6** witness.

**7** 2. Approximately the second week of April 2006, I ran into Bret's  
**8** former wife by accident. I had not seen Bret in approximately  
**9** 20 years. Bret's former wife took me to see Bret. Upon meeting  
**10** Bret, he stated to me that he was doing good and staying out of  
**11** trouble. Bret asked about Bobby Shawn Janoe, as to how he was  
**12** doing. Bret was distressed to learn Bobby Shawn Janoe was in  
**13** prison at Calipatria state Prison. Bret stated to me that he  
**14** would try to send Bobby Shawn Janoe some funds when he could.

**15** 3. To be honest, I did not believe Bret's comment's as we talked,  
**16** but I wanted to believe he had changed for the better, and gave  
**17** him the benefit of the doubt, as to there truthfulness.

**18** 4. In the next few days, as I saw my mother (Marilyn Janoe) I was  
**19** talking with her and explained I had seen Bret and that he was  
**20** doing good; that he was distressed to learn Bobby Shawn Janoe was  
**21** in prison; that Bret said he would try to sent Bobby Shawn Janoe  
**22** some funds when he could. My mother was skeptical of Bret and  
**23** really did not want anything to do with him. She warned me to  
**24** stay away from Bret.

**25**

**26** I declare under penalty of perjury under the laws of the  
**27** state of California, the foregoing is true and correct. This  
**28** declaration was executed on 7-18 2006 in Rialto California.

*Brian Scott Janoe*  
 SCREENED OUT BY Brian Scott Janoe OCT 06 2006

SCREENED OUT

SEP 25 2006  
SEP 29 2006

LODGEMENT FIVE

STATE OF CALIFORNIA SEP 20 2006  
ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE  
CDC 114-D (Rev 10/98)

RECEIVED CAL APPEALS DEC 21 2006

CAL A 0602843

DEPARTMENT OF CORRECTIONS

DISTRIBUTION:  
WHITE - CENTRAL FILE  
BLUE - INMATE (2ND COPY)  
GREEN - ASU

CANARY - WARDEN  
PINK - HEALTH CARE MGR  
GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME  
JANOE

CDC NUMBER

J-25333

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY       UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Monday, August 28, 2006, you (Inmate JANOE, J-25333)

it was determined that you meet the 180 classification criteria as a result of you being found guilty of a Division "B" offense within the previous three (3) years and are no longer eligible to be housed in a 270 design General Population. Due to your 180 classification you pose a threat to Institutional Safety and Security and are being placed into Administrative Segregation, pending ICC review and possible transfer to a 180 classification designated facility. As a result of this placement your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate JANOE is a participant in the Mental Health Services Delivery System (MHSDS) at any level of care.

CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)  IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /

DATE OF ASU PLACEMENT 08/28/06	SEGREGATION AUTHORITY'S PRINTED NAME J. SIGLER	SIGNATURE	TITLE Lieutenant
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DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE	STAFF'S TITLE
--------------------	-------------	--	-----------	---------------

<input type="checkbox"/> INMATE REFUSED TO SIGN	INMATE SIGNATURE	CDC NUMBER
---	------------------	------------

ADMINISTRATIVE REVIEW (PART B)

*The following to be completed during the initial administrative review by Captain or higher by the first working day following placement*

STAFF ASSISTANT (SA)

INVESTIGATIVE EMPLOYEE (IE)

STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
----------------------	-------	-------------------------------	-------

IS THIS INMATE:

LITERATE?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	EVIDENCE COLLECTION BY IE UNNECESSARY	<input type="checkbox"/> YES	<input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES	<input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES	<input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	<input type="checkbox"/> YES	
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES				
Any "NO" requires SA assignment			Any "NO" may require IE assignment		
<input type="checkbox"/> NOT ASSIGNED			<input type="checkbox"/> NOT ASSIGNED		

INMATE WAIVERS

<input type="checkbox"/> INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER	<input type="checkbox"/> INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
<input type="checkbox"/> NO WITNESSES REQUESTED BY INMATE	INMATE SIGNATURE
	DATE

WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
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WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
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DECISION:  RELEASE TO UNIT/FACILITY  RETAIN PENDING ICC REVIEW  DOUBLE CELL  SINGLE CELL PENDING ICC

REASON FOR DECISION:

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ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	DATE OF REVIEW	TIME	ADMINISTRATIVE REVIEWER'S SIGNATURE
--	-------	----------------	------	-------------------------------------

CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary) <b>SCREENED OUT SEP 20 2006</b>	CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)	DATE OF REVIEW
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LODGEMENT SIX

State of California

Department of Corrections and Rehabilitation

## Memorandum

Date: DEC - 6 2006

To: Janoe, J-25333  
Calipatria State Prison

Subject: SECOND LEVEL APPEAL RESPONSE  
LOG NO.:CAL-A-06-02524

### ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #07-06-A-005, dated July 05, 2006, for Possession of Stolen Property and Check Fraud. It is the appellant's position that on Friday, August 04, 2006, Senior Hearing Officer (SHO) J. Sigler, inappropriately violated your due process rights by finding you guilty of the aforementioned RVR. You allege you had no knowledge that your brother Bret Janoe was depositing stolen money orders and checks into your inmate trust account at Calipatria State Prison (CAL). You state you never had possession or seen the money orders that were sent to you, due to they were deposited into your inmate trust account by accounting staff personnel. You state Bret was arrested on May 31, 2006, by the San Bernardino Sheriffs Department, Twin Peaks, for burglary of a United States Post Office. You state there was insufficient evidence presented at your hearing, that you had knowledge that the money orders deposited into your trust account were stolen.

You are requesting on appeal that the findings of your guilt in the matter be rescinded.

INTERVIEWED BY: D. Bell, Correctional Counselor II, on November 28, 2006.

REGULATIONS: The rules governing this issue are:

California Penal Code Section 12022.7. Infliction of Great Bodily Injury

California Code of Regulations, Title 15, Section (CCR) 3005. Conduct.

CCR 3084.5. Levels of Appeal Review and Disposition.

CCR 3313. Classification of Rules Violation Report and Notice of Pending Charges.

CCR 3320. Hearing Procedures and Time Limitations.

On July 12, 2006, you were served a pre-hearing copy of RVR, Log #07-06-A-005, dated July 05, 2006, for the specific act of Possession of Stolen Property and Check Fraud, and served a copy of CDC-115 Supplement

JANOE, J-25333  
CAL-A-06-02524  
PAGE 2

authored by Correctional Officer (CO) V. Canada. On August 03, 2006, you were served a copy of Incident Report # CAL-CEN-06-07-0224.

On July 17, 2006, you were served Xerox copies of your inmate trust account statements from May 01, 2005 to June 2005. You were also served a copy of the CDC 193 Trust Account Withdrawal Order to Marilyn Janoe dated May 25, 2006, one (1) inmate letter, six (6) Xerox copies of inmate correspondence envelopes to you, from your brother Brett Janoe, Box 651 Running Springs CA. 92382, two (2) Xerox copies of checks paid to the order of Bobby Janoe, J25333, and two (2) copies of money orders paid to the order of Bobby Janoe.

On August 04, 2006, at approximately 1505 hours, you appeared before an experienced SHO, J. Sigler, for the adjudication of the RVR. You plead not guilty, and elected to make the following statement: "I have not seen my brother in over twenty years. The last time I saw him he stole property from me and my mom, and then he disappeared. I am surmising that he took it and sold it for money, now this is twenty years later etc."

The SHO considered your statement at the time of the hearing. The SHO noted that he reviewed the three (3) typed declarations that you presented at your hearing from you, your mother and brother Brian Scott.

You were found guilty of Possession of a Stolen Property and Check Fraud, a Division "B" offense and assessed 150 days forfeiture of credit, and 90 days loss of phone, ten (10) days loss of yard, and 90 days temporary placement in privilege group "C" in accordance with CCR, Title 15, Section 3044(f)(1)(B), starting on August 04, 2006, and ending on November 03, 2006, consistent with a Division "B" offense.

You were found guilty based upon the preponderance of evidence submitted at the hearing, which was considered valid and substantiated the charge. The evidence included: Information contained in Incident Package Log #CAL-CEN-06-07-0244, CDC-837 authored by CO, S. Crittendon, dated July 11, 2006, CDC-837 Supplemental Report authored by CO, V. Canada, CDC-Supplemental Report authored by Accounting Clerk II, P. Weitzel, CDC-Supplemental Report authored by G. Shepard, 2nd CDC-115 Supplemental Report authored by CO, V. Canada, and 17 photocopies of evidence collected and/or recovered from your cell.

1. The Reporting Employee's written report which states, "On Wednesday, July 05, 2006, Security and Investigations concluded its investigations into numerous altered checks received at Calipatria State Prison for Inmate Janoe, J-25333, A1-150." 2. Four (4) out of Five (5) of the checks noted on CDC-115-C page #11 was deposited into your inmate trust account were confirmed stolen by the Security and Investigations Unit.

On August 15, 2006, the SHO's finding and disposition were reviewed and affirmed by a Chief Disciplinary Officer. On August 24, 2006, you were issued the final copy of the adjudicated RVR.

The Second Level of Review (SLR) notes although you were not in a position to view the incoming checks, you received monthly statements from the Calipatria State Prison's Accounting Department. These statements indicated deposits

JANOE, J-25333  
CAL-A-06-02524  
PAGE 3

had been made to your account, which would have given you knowledge of your account activity and current funds available.

It is also noted a cash withdrawal in the amount of \$530.30 was withdrawn from your account prior to the CAL Accounting Office discovery of the altered checks. A review of your trust account statement and activity prior to the \$2,021.51 dollar deposits on April 27, 2006, clearly indicated your previous account balance was zero.

It is noted on December 05, 2006, Correctional Counselor II, Inmate Appeals Coordinator, D. Bell, interviewed CAL Inmate Trust Account Office Technician, W. Neciuk, as to why were the checks and money orders processed and deposited into your trust account when it appeared that the checks were altered and fraudulent. Mr. Neciuk stated, "We should have visually caught it in the beginning, due to you could tell inmate Janoe's name was obviously typed over the original name printed on the check. However, we eventually caught on, flagged his incoming checks and sent copies to the Security and Investigations Unit. Prior to these checks being placed into inmate Janoe's account, he had no prior activity what so ever. He never had spent any money on canteen. However, after the checks were deposited into his accounts he spent money on canteen, and he even sent money to his mom."

The SLR notes Detective Pelkey of the San Bernardino Sheriff's Department, Twin Peaks, confirmed that your brother Bret Harvey Janoe and two (2) other suspects were arrested on May 30, 2006, for burglary of a United States Post Office.

After reviewing the processing of your RVR, it was determined that time constraints were met, procedures were followed, and due process was afforded to you. You provided no new or compelling evidence to the RVR. Therefore, I find no reason to alter the original decision.

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DECISION: The appeal is denied.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



T. OCHOA  
Chief Deputy Warden (A)  
Calipatria State Prison

LODGE MENT SEVEN

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: **JUN 24 2007**

In re: Janoe, J-25333  
Calipatria State Prison  
P.O. Box 5002  
Calipatria, CA 92233

IAB Case No.: 0612673      Local Log No.: CAL 06-02655

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner S. Hemenway. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that his Calipatria State Prison (CAL), CDC form 602 "Inmate/Parolee Appeal Form" was not being handled at an expeditious manner. The appellant wishes to have his appeal answered by the Accounting supervisor and returned to him for further disposition.

The original subject of this appeal was the posting of a fraudulent check by the accounting office at CAL. The appellant had a fraudulent check posted to his account and a subsequent freeze imposed on his account. The appellant is requesting an answer as to why this happened.

**II SECOND LEVEL'S DECISION:** The Trust Office posted this and all checks that look legitimate. Any check in question is referred to investigative services for disposition. The deposit of this fraudulent check to appellant's trust account was done in error and training has since been provided to minimize this from reoccurring. The Trust Office staff apologized to appellant for causing any inconvenience. First Level of Review (FLR) and Second Level of Review (SLR) granted the appellant's appeal to not post fraudulent checks to his trust account.

**III DIRECTOR'S LEVEL DECISION:** Appeal is partially granted.

**A. FINDINGS:** All institution appeal levels responded appropriately. The appellant's request was granted at the FLR and SLR in that no fraudulent checks or altered funds be posted to his account. The appellant is requesting an answer to a previously answered question, "why did accounting post a fraudulent check to his trust account and who was the accounting person who deposited the check into his account." Accounting staff admitted this was an error as they process many checks a day as well as tend to other duties entrusted to the accounting office. Accounting staff acknowledged their error and responded to this "first time" occurrence by providing staff training to minimize the reoccurrence of this issue. Appellant continues to pursue the issue of "who posted the fraudulent check and why." This reviewer believes nothing was done maliciously and the posting of the fraudulent check was done unintentionally as staff have nothing to profit by posting such a check. This error only caused unintentional additional work to an already overburdened schedule. This appeal was granted at the informal, first and second levels. Granted was his request not to post fraudulent checks to his trust account as accounting staff would not intentionally post deposits that are suspicious in nature. Not granted was providing appellant with the name of the account staff who posted the fraudulent check as this has no bearing on the issue.

**B. BASIS FOR THE DECISION:**

California Code of Regulations, Title 15, Section: 3084.1, 3084.2, 3084.3, 3084.6

**C. ORDER:** No changes or modifications are required by the institution.

JANOE, J-25333  
CASE NO. 0612673  
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CAL  
Appeals Coordinator, CAL

RECEIVED CAL APPEALS OCT 02 2006  
INMATE/PAROLEE

Location: Institution/Parole Region

Log No.

Category

A 0602655

10

APPEAL FOR APPEALS NOV 09 2006  
CDC 602712227  
RECEIVED CAL APPEALS JAN 17 20071.  CAL  
2. 

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

## TO: APPEALS COORDINATOR OFFICE

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
B. JANE BOBBY	J25333	N/A	S-A-111

A. Describe Problem: I forwarded a 602 to accounting department supervisor P. Weitzel on 8/8/06. Pursuant to title 15 § 3084.6(a)(1) she had 10 working days to respond to that 602. On 8/20/06 I forwarded a letter to accounting department supervisor P. Weitzel, requesting she respond to the 602 I forwarded to her on 8/8/06. On 9/9/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06. On 9/11/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzel requesting she respond to the 602 I forwarded to her on 8/8/06.

If you need more space, attach one additional sheet.

Cont. p.2

B. Action Requested: I want Accounting department supervisor P. Weitzel to Respond to the 602 I forwarded to her on 8/8/06.

Inmate/Parolee Signature:

Bobby S. Jane

Date Submitted:

9/28/06

C. INFORMAL LEVEL (Date Received:

OCT 02 2006 , Due Date: 10/17/06

Staff Response:

All attached

Staff Signature:

P. Weitzel

Date Returned to Inmate:

NOV 09 2006

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I find the response from P. Weitzel disingenuous, specifically, "The trust office cannot stop funds from being posted to your trust account if the checks and/or money orders look legitimate". I have attached a copy (exhibit A) of one of the altered checks and envelope it arrived in that was posted onto my trust account. When you look at "PAY" "TO THE ORDER OF" you can actually see my name was typed over another name and the address

Signature: Bobby S. Jane

Date Submitted: 11/17/06 cont.p.2

Note: Property/Funds appeals must be accompanied by a completed

Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CAL

A 0602655

RECEIVED CAL APPEALS MIN 09/2006  
RECEIVED CAL APPEALS OCT 02 2006  
RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

8/8/06, ON 9/18/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzeil requesting she respond to the 602 I forwarded to her on 8/8/06. ON 9/25/06 I forwarded a inmate request for interview to accounting department supervisor P. Weitzeil requesting she respond to the 602 I forwarded to her on 8/8/06. Accounting department supervisor P. Weitzeil as of this date has still not responded to the 602 I forwarded to her on 8/8/06.

Pursuant to title 15 § 3391(a) I am now filing this citizen's complaint and 602 against accounting department supervisor P. Weitzeil, pursuant to penal code 832.5, for not responding to the 602 I forwarded to her 8/8/06.

The actions of accounting department supervisor P. Weitzeil are unprofessional and tend to indicate she is attempting to use unethical conduct to suppress evidence in an investigation for check fraud.

RECEIVED CAL APPEALS OCT 02 2006  
 RECEIVED CAL APPEALS NOV 09 2006  
 CDC 1858 (297) RECEIVED CAL APPEALS JAN 17 2007

DEPARTMENT OF CORRECTIONS

## RIGHTS AND RESPONSIBILITY STATEMENT

*The California Department of Corrections has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.*

**Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:**

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. [An inmate/parolee who makes a complaint against a departmental peace officer, knowing it is false, may be issued a serious disciplinary rule violation, in addition to being prosecuted on a misdemeanor charge.]

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME <i>Bobby S. Janoe</i>	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER <i>J25333</i>	DATE SIGNED
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

DISTRIBUTION:  
 ORIGINAL  
 PUBLIC - Institution Head/Parole Administrator  
 Inmate/Parolee - Attach to CDC form 602  
 Employee - Institution Head/Parole Administrator  
 COPY - Complainant

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

**CALIPATRIA STATE PRISON**  
**Calipatria, California**

**INFORMAL APPEAL RESPONSE**

**NAME:** B. Janoe

**CDC NO:** J25333

**APPEAL DECISION:** Partially Granted

**APPEAL ISSUE:** **LEGAL**

You are requesting that no altered funds be posted to  
your trust account

**APPEAL RESPONSE:**

The trust office cannot stop funds from being posted to your trust account if the checks and/or money orders look legitimate. If any checks and/or money orders appear to be altered or forged then they will be turned over to the Investigations Unit for further review, but note that this is our procedures for any altered or forged funds not just funds that come in for you.

Attached is a CDC 345 (Authorization from the Director to Maintain a Trust Account). It is your right to maintain a Trust Account, it also you're right to revoke your previous Authorization form. Note that if funds do come in they will be posted. Also, if you choose to complete the attached form, be aware that you will no longer have canteen privileges. This form MUST be completed in the presents of a CDCR Employee, usually your Correctional Counselor I then submitted back to the Trust Office. At that point; it is your responsibility to notify your friends and family and let them know to refrain from sending you future monetary contributions. It will also be your responsibility to ensure that any funds you do have available in your trust account are appropriately disbursed.

For your future reference, I am not nor have been the Supervisor in the Trust Office. Until this appeal, I was not aware that another appeal had previously been submitted. We do apologize for the delay in staff response.

Thank you, and sorry for any inconvenience this may have caused.

If you are dissatisfied with this decision, you may appeal at the First Level of Review.

P. L. Weitzell  
Account Clerk II

10/10/06

Date

RECEIVED CAL APPEALS NOV 09 2005

CAL

A 0602655

RECEIVED CAL APPEALS JAN 17 2007

STATE OF CALIFORNIA  
CDC 345 (Rev. 5/95)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

***AUTHORIZATION FOR THE DIRECTOR TO MAINTAIN  
TRUST ACCOUNT***

Pursuant of Penal Code Sections 5008 and 5057, I understand that by signing this form, I authorize the Director of the California Department of Corrections and Rehabilitation, to maintain a trust fund account in my name, thus enabling me to make purchases from the canteen. I understand that I am not required to sign this form. I also understand that if I do not complete and sign this form, my canteen privileges will be lost.

***PLEASE MARK YOUR CHOICE***

I hereby authorize the Director of Corrections to maintain a trust account in my name. I also authorize any interest earned on monies held for me in such trust shall be deposited into the Inmate Welfare Fund.

I choose not to authorize the Director of Corrections to maintain a trust account in my name. I acknowledge that it shall be my responsibility to ensure that any funds in my trust account are appropriately disbursed. I understand I shall have no canteen access. I shall notify my family and friends to refrain from sending me future monetary contributions.

Signed and delivered in the presence of:

SIGNATURE OF WITNESS

SIGNATURE OF INMATE

TITLE

CDC NUMBER

Executed at Calipatria State Prison, California this \_\_\_\_\_ day of \_\_\_\_\_.  
 Day Month and Year

RECEIVED CAL APPEALS NOV 09 2006  
RECEIVED CAL APPEALS JAN 12 2007  
Page 2

CAL A 0602655

is not my address. This check does not look "legitimate" yet it was processed onto my trust account. 13 altered money orders and/or checks arrived at calipatria state prison from april/06 to july/06 and all of them were altered in a similiar fashion, yet 10 were posted onto my trust account, as funds available for me to spend. How did this occur?

The action I requested on this 602-citizens complaint, was for "supervisor P. Weitzel to respond to the 602 I forwarded to her on 8/8/06". On the response I received, the appeal issue states, "you are requesting that no altered funds be posted to your trust account", signed by P.L. Weitzel, dated 10/10/06. Then at the 3rd paragraph of the response it states, "until this appeal, I was not aware that another appeal had previously been submitted". I have attached a copy (exhibit B) of the 602 I submitted to P. Weitzel on 8/8/06 and the action requested was, "to make sure no altered money orders and/or checks are processed onto my trust account as funds available for me to spend". Circumstantially, it appears P. Weitzel did receive my 602 of 8/8/06, by her response of the action I requested. Additionally, after I forwarded the 602 to P. Weitzel on 8/8/06, I had submitted five different times, requests to her to respond to the 602, over several weeks, copy's attached (exhibit C). IF P. Weitzel never did receive the original 602 dated 8/8/06, she had five different times to respond to my requests, and state she had not received the 602 of 8/8/06, yet I never did receive any response to my requests. The response from P. Weitzel to the present 602-citizens complaint appears to be a incondite attempt to placate the real issue, of answering the original 602 of 8/8/06 that I had forwarded to her. Who processed the altered money orders and/or checks onto my trust account? why were obviously altered money orders and/or checks processed onto my trust account as funds available for me to spend?

RECEIVED CAL APPEALS JAN 17 2007

**CALIPATRIA STATE PRISON  
SUPPLEMENTAL PAGE  
FIRST LEVEL RESPONSE**

**TO:** Inmate Janoe, J25333

**FROM:** Business Services

**APPEAL LOG NO:** CAL-A-06-02655

**INTERVIEWED BY:** N/A

**APPEAL DECISION:** Granted

**APPEAL ISSUE:** Response to previously submitted Appeal

**APPEAL RESPONSE:** I received your Appeal Form 602 dated originally in September 2006 and submitted for a First Level Review on 11/7/06. I reviewed all of the documents you included with the appeal and discussed your situation with Trust Accounting staff.

Mr. Janoe, I must first apologize for the delays in getting responses to you from all of your attempts to get a response. I will offer no excuses to you as there are none. Trust Accounting was directed to put a freeze on your account due to the suspected fraudulent checks deposited into your account. Due to that direction, they were unsure of how to respond to your requests for a response. They should have requested assistance but as this was a "first" for this kind of situation, they didn't. Training has since been given to eliminate similar situations in the future.

In an effort to provide you with what answers I can, I offer the following:

The response to your original appeal from August 2006 is Granted in that Trust Accounting will make every effort to ensure all future deposits into your Trust Account are valid deposits.

In response to your request for a First Level Review of the current appeal, I offer the following:

I can agree with you that the sample of the check you provided shows your name being typed over something. That's pretty easy to recognize when that is the only check I have to look at and I'm not looking at it with respect to getting it (and the numerous other checks) posted for the funds to be deposited. I cannot however agree with any certainty that it is a fraudulent check simply because of the conditions of checks we've seen come through Trust over the years that have been legitimate.

Inmate Janoe, J25333  
Appeal No. CAL-A-06-02655  
Page 2

I can assure you that the absence of responses from Trust was not an attempt to "use unethical conduct to suppress evidence in an investigation for check fraud". I can assure you of this because each request for interview they received, they forwarded as directed to the Investigative Services Unit.

Based on the information provided above, your appeal Number CAL-A-06-02655 is also Granted as your action requested was to have a response to your first appeal from August.

If you have any questions, please feel free to send me a request for interview or contact the Investigative Services Unit via institutional mail.



G. Garcia  
Accountant I Supervisor

CAL

A 06 00 2 6 5 5

F. Second level

Page 2

granted at the first level, the response is ambiguous. Looking at page 1 of that first level response, the last paragraph, it is not clear what G.Garcia is actually stating. Is G.Garcia stating that it was an accident, that the altered money orders and/or checks were posted onto my trust, as funds available for me to spend, because the employees were rushed to process all of the different checks onto prisoners trust accounts?

Is this why the trust account employees did not recognize these altered money orders and/or checks were in fact altered and fraudulent? OR Was some state official stooping to subterfuge?

Additionally, I find it troubling that G.Garcia will not even acknowledge the altered check (exhibit A) is obviously fraudulent. The check appears to be from a water utility. I would ask, how many prisoners receive checks from a business? Looking at the check (exhibit), no bank would accept this check as legal tender. No individual with a checking account would accept this check for deposit, yet someone in the trust account office processed these fraudulent money orders and/or checks onto my trust account, as funds available for me to spend and then forwarded the envelope to my housing building, to notify me that funds were deposited onto my trust account, that I could spend if I so choose. Based on that notification I did turn in a trust withdrawal order to send my mother 99.00 dollars and I also turned in a ducat to go to Canters for 75.00 dollars; consequently, I am asking who processed these fraudulent money orders and/or checks onto my trust account? Why were obviously altered money orders and/or checks processed onto my trust account, as funds available for me to spend?

State of California

Department of Corrections and Rehabilitation

# Memorandum

Date

MAR 27 2007

To : Mr. Janoe, J25333  
Calipatria State Prison

Subject: **SECOND LEVEL APPEAL RESPONSE**  
**CAL-D-06-02619**

## ISSUE:

It is your contention that your original appeal contained two questions that were not responded to at the First Level of Review.

## DISCUSSION:

Your "Exhibit B" was a copy of your original appeal submitted on August 8, 2006. Your action requested stated: "to make sure no altered money orders and/or checks are processed onto my Trust Account." The response Granted your appeal at the First Level of Review with an explanation of what occurred regarding your appeal.

In response to your first question, "Who processed the altered money orders and/or checks onto my trust account?". The accounting office does not record which technician enters data into the tracking system.

Your second question concerned an altered money order. Specifically, "why were obviously altered money orders and/or checks processed into my trust account?" The fact that a check or money order may have been changed does not necessarily indicate the item presented is fraudulent.

Many inmates receive income or payments from a variety of sources; these variations are not normally cause for concern. For instance, the check from a water utility could be a legitimate refund of a deposit.

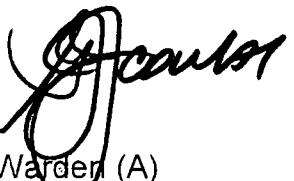
## DECISION:

Your appeal is Granted at the Second Level of Review, as your initial problem as stated was Granted at the First Level of Review. The questions you posed as reason for a Second Level of Review were addressed in the First Level of Review. The questions do not present any new or compelling evidence necessitating further review.

2<sup>nd</sup> Level Appeal  
CAL-A-06-02655  
Mr. Janoe, J25333  
Page 2

**Based on the above information, this Appeal is GRANTED at the Second Level of Review.**

You are advised however, that this issue may be submitted for a Director's Level of Review if desired.

  
T. OCHOA  
Chief Deputy Warden (A)  
Calipatria State Prison

CAL

A 0602655

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

EXHIBIT

A

CITIZEN'S BUSINESS BANK 155 EAST HIGHLAND AVE. SAN BERNARDINO, CA 92413 90-3414 1222		206430	
CHECK DATE	CONTROL NUMBER	AMOUNT	
5/24/2006	206430	\$3,187.00	

Three Thousand One Hundred Eighty-Seven and 00/100 US Dollars

**POLYEMANOE#J25333**

TO THE PO BOX 5069  
ORDER OF SAN BERNARDINO, CA 92412-5069  
FOR;BOBBY JANOE#J25333

REVERSE SIDE OF THIS CHECK HAS AN ARTIFICIAL WATERMARK. MICROLINE TYPE IN CHECK BORDER AND SIGNATURE LINES IS A SECURITY FEATURE.

AP  
AUTHORIZED SIGNATURES

RECEIVED CAL APPEALS JAN 17 2007  
RECEIVED CAL APPEALS NOV 9 2006

0602655  
A CAL

RECEIVED CAL APPEALS NOV 09 2006  
FEB 17 2007

RECEIVED CAL APPEALS JAN 17 2007

CAL

A 0602655

CK# 31314  
206420  
\$3187.00  
30 days to ROCES

FUR;BOBBY JANO#J25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA,CALIF  
92333

SANT'ELMO

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL

A 0602655

EXHIBIT

B

CAL

A 0602655  
DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA

RECEIVED CAL APPEALS NOV 09 2006

INMATE/PAROLEE

APPEAL TO CAL APPEALS JAN 17 2007

CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly. TO: ACCOUNTING DEPARTMENT SUPERVISOR P. WEITZEIL

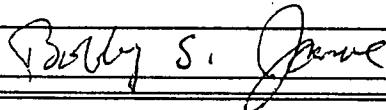
NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Janoe	J25333	N/A	A-1-150

A. Describe Problem: Altered money orders and/or checks were processed onto my trust account. Who was the person who processed those altered money orders and/or checks onto my trust account? Why were obviously altered money orders and/or checks processed onto my trust account, as funds available for me to spend? The deposits to my account were made on 4/27/06 for a total of four deposits; and on 5/5/06 for a total of five deposits. Crime/Incident Report Part C Staff Report, Incident Log Number CAL-CEN-06-07-0244.

If you need more space, attach one additional sheet.

B. Action Requested: To make sure no altered money orders and/or checks are processed onto my trust account as funds available for me to spend.

Inmate/Parolee Signature:



Date Submitted: 8/8/06

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

INMATE APPEALS  
BRANCHES  
APR - 2 2007  
RECEIVED

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: \_\_\_\_\_

Board of Control form BC-1E, Inmate Claim



**CAL****A**

RECEIVED CAL APPEALS NOV 09 2006

0602655

RECEIVED CAL APPEALS JAN 17 2007

EXHIBIT

C

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

CAL A 0602655

August 20, 2006

Bobby S.Janoe J25333  
P.O.Box 5004 A-1-150  
Calipatria CA 92233

Calipatria State Prison  
Accounting Department  
Supervisor P.Weitzeil  
P.O.Box 5001  
Calipatria CA 92233

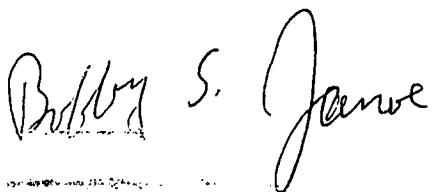
RE:Crime/Incident Report Incident Log Number CAL-CEN-06-07-0244

Dear Miss Weitzeil,

I am writing to request you respond to the Inmate Appeal 602 I forwarded to your office on 8/8/06. Pursuant to California Code of Regulations Title 15 section 3084.6 Subd(1) Informal level response shall be completed within 10 working days.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Bobby S. Janoe". The signature is cursive and fluid, with "Bobby" on top and "S. Janoe" below it, slightly overlapping.

CAL

A 0602655

RECEIVED CAL APPEALS NOV 09 2006

RECEIVED CAL APPEALS JAN 17 2007

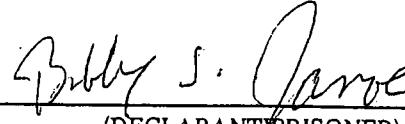
VERIFICATIONSTATE OF CALIFORNIA  
COUNTY OF IMPERIAL

(C.C.P. SEC.446 &amp; 201.5; 28 U.S.C. SEC. 1746)

I, Bobby S. Janoe DECLARE UNDER PENALTY OF PERJURY  
THAT: I AM THE Declarant IN THE ABOVE ENTITLED ACTION;  
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS  
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND  
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 20 DAY OF: August 2006 AT CALIPATRIA  
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)



(DECLARANTPRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) &amp; 2015.5; 28 U.S.C. SEC.1746)

I, Bobby S. Janoe AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY  
OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM /  
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002.  
CALIPATRIA, CALIFORNIA #92233-5002.

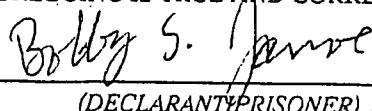
ON August 20 2006 I SERVED THE FOREGOING:  
Letter to request answer 602 at informal level, to P. Weitzeil.

## (SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),  
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED  
AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

Calipatria State Prison  
Accounting Department  
Supervisor P. Weitzeil  
P.O. Box 5001  
Calipatria CA 92233

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS  
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 20 2006  
(DECLARANTPRISONER)

CAL

A 0602655

STATE OF CALIFORNIA  
GA-22 (9/92) (PAR APPEALS NOV 9 2006)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE RECEIVED CAL APPEALS JAN 2008	PROM (LAST NAME) Accounting Supervisor P. Weitzel	CDC NUMBER J25333	
HOUSING A-5	BED NUMBER 111-L	WORK ASSIGNMENT N/A	JOB NUMBER FROM                  TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM                  TO

**Clearly state your reason for requesting this interview.**

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a 602 to your office on 8/18/06. The 10 working days to respond has since passed. Please respond to the 602.

INTERVIEWED BY	Do NOT write below this line. If more space is required, write on back.		
DISPOSITION	DATE		

STATE OF CALIFORNIA  
GA-22 (9/92)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 9/11/06	TO Accounting Supervisor, P. Weitzel	FROM (LAST NAME) JANOE	CDC NUMBER J25333
HOUSING A-5	BED NUMBER 111-L	WORK ASSIGNMENT N/A	JOB NUMBER FROM                  TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM                  TO

**Clearly state your reason for requesting this interview.**

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a 602 to your office on 8/18/06. The 10 days to respond have since passed. Can you please respond to that 602?

INTERVIEWED BY	Do NOT write below this line. If more space is required, write on back.		
DISPOSITION	DATE		

RECEIVED CAL APPEALS NOV 09 2006  
GA-22 (9/92)

RECEIVED CAL APPEALS JAN 17 2007

CAL

A

0602655

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 9/18/06	TO Accounting Supervisor P. Weitzel	FROM (LAST NAME) JANOE	CDC NUMBER J25333
HOUSING A - 5	BED NUMBER 111-L	WORK ASSIGNMENT NTA	JOB NUMBER FROM              TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM              TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I forwarded a LOZ to your office on 8/8/06. The 10 working days to respond have since passed, please respond to this LOZ.

Do NOT write below this line if more space is required, write on back.

INTERVIEWED BY

DATE

DISPOSITION

STATE OF CALIFORNIA  
GA-22 (9/92)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTION

DATE 9/25/06	TO Accounting Supervisor P. Weitzel	FROM (LAST NAME) JANOE	CDC NUMBER J25333
HOUSING A - 5	BED NUMBER 111-L	WORK ASSIGNMENT NTA	JOB HOURS FROM              TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM              TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I had forwarded a LOZ to your office on 8/8/06. The 10 working days to respond to that LOZ has long since passed, at the informal level. Do you really think ignoring the LOZ is your best option? A record is being established. Please respond to the LOZ as soon as possible. Thank you for your time and consideration.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DATE

DISPOSITION

LODGE<sup>M</sup>MENT EIGHT

CAL

A 0602524

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CALIFORNIA STATE PRISON

RECEIVED CAL APPEALS SEP 29 2006

INMATE PAYROLL ACCOUNT STATEMENT

TRUST ACCOUNT STATEMENT

RECEIVED CAL APPEALS OCT 06 2006

ACCOUNT NUMBER: J2E333

BED/CELL NUMBER: FAD1200

ACCOUNT RECEIVED CAL APPEALS, 0602524 2006WN

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS
------	------	------	-------------	---------	-----------	----------	-------------

05/01/2005 BEGINNING BALANCE

05/04	D554	INMATE PAYROL	04/05	5838		13.12	
05/11	W213	FEDERAL FILIN	1421/06011				2.62
05/11	W220	STATE FILING	15606/6015				2.62
06/03	D554	INMATE PAYROL	05/01	6478		8.72	
06/03	W512	LEGAL POSTAGE	5/12	6510			8.40
06/06	FC01	DRAW-FAC 1	A1	6520			4.72
06/16	W213	FEDERAL FILIN	1421/06804				1.74
06/16	W220	STATE FILING	15606/06797				1.74
07/06	D554	INMATE PAYROL	6/05	0063		10.16	
07/15	W512	LEGAL POSTAGE	7/1	0289			2.90
07/15	W512	LEGAL POSTAGE	7/1	0289			1.25
07/15	W512	LEGAL POSTAGE	7/1	0289			1.25
07/28	W213	FEDERAL FILIN	1421/00547				2.03
07/28	W220	STATE FILING	15606/0559				2.03
08/03	D554	INMATE PAYROL	7/05	0685		6.40	
08/05	W512	LEGAL POSTAGE	8/4	0686			0.60
08/05	W512	LEGAL POSTAGE	8/4	0686			1.75
08/08	W220	STATE FILING	15606/0722				1.68
08/08	W213	FEDERAL FILIN	1421/0723				1.68
08/15	W512	LEGAL POSTAGE	07/19	0873			1.06
08/15	W512	LEGAL POSTAGE	07/19	0873			1.06
08/15	W512	LEGAL POSTAGE	07/19	0873			1.06
09/07	D554	INMATE PAYROL	08/05	1269		6.80	
09/09	W220	STATE FILING	15606/1342				1.36
09/09	W213	FEDERAL FILIN	1421/01343				1.36
09/09	W512	LEGAL POSTAGE	8/9	1351			3.95
09/18	W516	LEGAL COPY CH	09/14	2098			0.20
10/15	W516	LEGAL COPY CH	10/17	2657			0.06

## ACTIVITY FOR 2006

4/27	D310	CHECK DEPOSIT	MRV	505780		2,021.51	
4/27	D310	CHECK DEPOSIT	MRV	505780		1,298.02	
4/27	D300	CASH DEPOSIT	MRV	505771		152.30	
4/27	D300	CASH DEPOSIT	MRV	505771		222.20	
4/27	W213	FEDERAL FILIN	1421/05795				74.90
4/27	W220	STATE FILING	15606/5796				74.90
4/28	W512	LEGAL POSTAGE	4/29	5819			0.63
4/28	W512	LEGAL POSTAGE	4/26	5819			0.63
5/01	W513	MISC. CHARGES	ENVEL	5830			0.36
5/01	W516	LEGAL COPY CH	04/24	5832			1.20
5/05	D310	CHECK DEPOSIT	MRV	505926			
5/05	D310	CHECK DEPOSIT	MRV	505937			
SCREENED OUT	SCREENED OUT		OCT 06 2006				
SCREENED OUT	SCREENED OUT		100.00				
SCREENED OUT	SCREENED OUT		SEP 29 2006				

CAL

A 0602524

RECEIVED CAL APPEALS SEP 29 2006 CALIPATRIA STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

RECEIVED CAL APPEALS OCT 06 2006 PERIOD: JUN. 01, 2005 THRU JUN. 30, 2005

ACCT. #	ACCT. NAME	ACCT. TYPE					
128333	JANOE, BOEDY SHAUN						
TRANSFERS TO CAL APPEALS OCT 20 2005							
DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM.	DEPOSITS	WITHDRAWALS	BALANCE

05/05	WB20	STATE FILING	15606/5943			69.79	4,583.35
05/08	FC01	DRAW-FAC 1	A1	5964		76.00	4,507.35
05/15	FR01	CANTEEN RETUR	506113			76.00	4,583.35
05/16	W415	CASH WITHDRAW AID	6161	111079976		99.00	4,484.35
05/19	WS16	LEGAL COPY CH	4/8	6255		0.20	4,484.15
05/19	WS16	LEGAL COPY CH	4/8	6255		5.50	4,478.65
05/19	WS16	LEGAL COPY CH	4/12	6255		0.10	4,478.55
05/19	WS13	MISC. CHARGES	ENVEL	6256		0.45	4,478.10
05/19	WS13	MISC. CHARGES	ENVEL	6261		1.80	4,476.30
05/19	WS13	MISC. CHARGES	ENVEL	6261		45.50	4,430.80
05/23	WS12	LEGAL POSTAGE	04/19	6320		0.87	4,429.93
05/23	WS16	LEGAL COPY CH	05/19	6316		0.30	4,429.63
05/23	WS13	MISC. CHARGES	ENVELP	6330		0.45	4,429.18
05/23	WS13	MISC. CHARGES	ENVELP	6330		0.15	4,429.03
05/24	WS12	LEGAL POSTAGE	4/21	6356		4.05	4,424.98
05/24	WS12	LEGAL POSTAGE	4/21	6356		4.05	4,420.93
06/05	FC01	DRAW-FAC 1	A1	6540		75.00	4,345.93

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
6/14/2006	H118	LEGAL COPIES HOLD	06/13 6807	0.90

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
7.88	4,909.53	571.48	4,345.93	0.90	0.00

CURRENT  
AVAILABLE  
BALANCE

4,345.03

LODGEMENT NINE

RECEIVED CAL APPEALS SEP 29 2006

CAL

A 0602524

5-16-06

RECEIVED CAL APPEALS OCT 06 2006  
Searles

RECEIVED CAL APPEALS OCT 20 2005

I was glad to hear your letter the other, and I'm going thru it all from ya, as for out here, and I need just can't forms at the of bull shit, I do need to, I am placing on moving in 1 week, and I still need to find a new house, so I will focus on that tomorrow, I have lots to do. Focus with my cont case coming up next month, its nothing nice, any case, they plan to raise my bail to 300,000.00 so I am working on getting up my issues so I can fight my case from the streets, or any how, my homboy responded 5-17-06 for ya, plus another letter with 5-17-06 for over 10,000.00, so are the clear, do me a favor could you take account of that and send it back to my account, that state of Calif. check, I could take half of that toward my bail, as soon as I get that clear, just put in a request to send out half of that to me b/c, to my P.O. box of 0510 thank you, also send me out a kite when you do that, things will get better, I will get at money orders to you next week b/c.

Trust I have ill get you out legally!

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SEP 29 2006

I also need to focus right now, my bail and cont case, the deal was 8 years for what? One the notario, be of good

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OCT 06 2006

RECEIVED CAL APPEALS SEP 29 2006

cheer, and remember, I goes appreched on page i of i  
where money comes, you CAL don't know of!  
A 0602524

There appears to be a discrepancy with your email address.

RECEIVED CAL APPEALS OCT 06 2006

Discover Your Family Story

RECEIVED CAL APPEALS OCT 20 2005

wrote soon!

Bellamy

28 May 1933

Edgcombe

Jimmie?? Bellamy

B\_Co37\_66001

20

422

I have and respect  
always  
Yours

#### SOURCE INFORMATION

Archivary.com, North Carolina Birth Index, 1850-2000 [database online], Provo, Utah:

http://www.archivary.com/NCBIRN/ [accessed 2008-08-07]. Copyright © 2008 Archivary.com, Inc. All rights reserved.

This file contains the records used to generate corrected in this index. Partially redacted and also included in

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TO  
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ORDER  
OF  
PAY  
TO  
THE  
ORDER  
OF  
BOBBY JANOE # L-25333

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT  
ADD61 00009559  
J ROBERT WEST MD INC  
PO BOX 2150  
REDLANDS, CA 92373-0701

CMS

MEDICARE PAYMENT

NHI

INVESTIGATION

NHI

CMS

MEDICARE PAYMENT

NHI

INVESTIGATION

NHI

CAL

A 0602524

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT  
ADD61 00009558  
J ROBERT WEST MD INC  
PO BOX 2150  
REDLANDS, CA 92373-0701  
BOBBY JANOE # J-25333

PAY  
TO  
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ORDER  
OF

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OCT 06 2006

# 14931908 0021309379:6018393011

LODGEMENT TEN

**CALIPATRIA STATE PRISON  
INVESTIGATIVE SERVICES UNIT  
CASE REFERRAL TO  
IMPERIAL COUNTY DISTRICT ATTORNEY**

DATE:	10-02-06	INCIDENT REPORT NUMBER	CAL-CEN-06-07-0244
REPORT RECEIVED:	08-03-06	INCIDENT REPORT TITLE	THEFT IN EXCESS OF \$500.00

REPORT DATED: 07-20-06                    INMATE NAME & CDC NUMBER: JANOE J25333

The above case was evaluated for referral to the Imperial County District Attorney and the following decision was made:

Report returned to involved staff for more data:

Investigation being conducted by Security and Investigations:

No referral to the District Attorney will be made since:

- There was no significant injury.
- Potential for injury existed, but victim will not testify
- Prima facie evidence exists, but there is insufficient data for other than administrative action.
- Insufficient quantity of drugs for prosecution.
- Problems exist with the chain of evidence.
- Inmate has a long sentence and the most appropriate resolution will be effected via administrative disposition.
- Not a referable offense.
- Does not meet criteria of agreement with District Attorney.
- Other WILL BE ISSUED A CDC-115 FOR POSSESSION OF STOLEN PROPERTY AND CHECK FRAUD. TO BE FILED BY OUTSIDE AGENCY IF FILED.
- / /, this case was referred to the Imperial County District Attorney.
- On / /, the Investigation Services Unit received written notice that the Imperial County District Attorney rejected / dismissed this case.
- Any pending disciplinary action should be completed at this time and a closure report completed and Forwarded to the Associate Warden-Housing for distribution

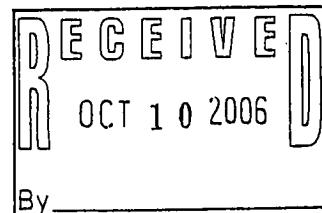
The above is pursuant to revision of the California Code of regulations, Title 15 Section 3316, which allows for discretionary referral of criminal cases.

Any questions may be addressed via the Captain, Security and Investigations Unit at extension 5340.

G. Stratton  
G. Stratton, Lieutenant  
Chief Investigator  
Investigative Services Unit

Original: Incident Package

cc: AW A/B or C/D  
Records  
AW Custody  
Inmate  
Facility Lieutenant



LODGEMENT ELEVEN



SAINT BERNARDINO

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FOR;BOBBY JANOE#J25333  
UNIT-A-1-150  
PO BOX 5002  
CALIPATRIA,CALIF  
92333

SAN GEMMA DING

CA 924-3 T

BOBBY JANOE # J 25333  
UNIT-A-1-150  
PO BOX 5002  
CALIFORNIA CITY 23333

RECORDED CL APPALS OCT 06 2006

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LODGEMENT TWELVE

RECEIVED CAL APPEALS SEP 25 2005

RECEIVED CAL APPEALS SEP 20 2005

**Division of Medical Examiner**

175 South Lena Road

San Bernardino, CA 92314-2003 SEP 29 2006

(909) 387-2561

Fax (909) 387-2989

CAL

A 0602524



**Frank Sheridan, M.D.**  
Chief Medical Examiner

**Eugene Carpenter**

M.D., Deputy M.E.

RECEIVED CAL APPEALS OCT 06 2006

**San Bernardino County Sheriff's Department**  
**Coroner Division**

RECEIVED CAL APPEALS OCT 20 2006 **Autopsy Protocol****Coroner's Case Number:** 06-5661LD**Autopsy Number:** A-0394-06**Name:** Brett Harvey Janoe**Age:** 44**Sex:** Male**Time of Death:** Reported Found 0739 hours, July 21, 2006**Race:** Caucasian**Time of Autopsy:** 0900 hours, July 28, 2006**Place of Autopsy:** San Bernardino County Coroner's Facility**Deputy:** De Nardo

**HISTORY OF DEATH:** This is the case of a 44-year-old Caucasian male found floating in about 2 feet of water in a flood basin area. There is a past history of social distress, methamphetamine use, and possibly of diabetes. There is no history of foul play or trauma. There are no signs of trauma. Other past medical history is not given. Drug use and social stress have been the problems. No history of suicide ideation or previous suicide attempts has been given.

There is a history of pelvic fracture from a fall in the fairly recent past.

Also refer to Coroner's Investigative Report 06-5661LD.

**External Examination for Identification and for Signs of Natural Pathology:**

This is the body of a 44-year-old, well-developed, well-nourished Caucasian male, about 73 inches in length and weighing 169 pounds. It has been refrigerated and is not embalmed. The body is identified by tags.

The major identifying characteristics consist of a long body, brown, medium length, straight hair, brown eyes (might be obscured by decomposition changes), handlebar moustache, unshaven face for about a week, no teeth, upper dental plate, uncircumcised penis, well-developed and not obese body; no signs of amputations, deformities, or needle track scars are seen. There are two tattoos discovered. The body is moderately decomposed and this obscures surface findings. The following is what can be discerned through the discoloration and the skin slippage.

The skin, head, head hair, eyes, ears, nose, mouth, throat, neck, chest, abdomen, pelvis with external genitalia and anus, back and extremities are all unremarkable for signs of natural pathology as best as can be seen through the obscuring signs of decomposition.

**Clothing:** There is clothing on the body. It consists of a tee shirt, boxer shorts, blue jeans with wide brown belt, white socks, and white running shoes. All of the clothing is soaked and muddy. Abundant numbers of papers are found, some of which have been placed in a plastic envelope apparently by the decedent. All of these are retrieved and are cleaned and spread out on a table for drying. No other articles are found within the pockets of the pants. There does not seem to be the presence of a suicide note, but the papers are not examined in detail at this time.

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JANOE AUTOPSY CONTINUED  
RECEIVED CAL APPEALS SEP 29 2006

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PAGE 2  
A-0394-06  
RECEIVED CAL APPEALS SEP 29 2006**Evidence of Postmortem Changes:**

RECEIVED CAL APPEALS SEP 26 2006

1. Moderate decomposition is present with universal green-brown discoloration and skin slippage. There is moderate bloating of the abdomen and scrotum. The eyes are soft. About 7 to 8 mL of fresh appearing red blood is found within the heart. The gallbladder and urinary bladder are dry. There are about 20 mL of a wine-like decomposition fluid found within the left pleural space. The right pleural space is dry. The peritoneum is dry. There is no oil. Maggots and fly eggs are not seen. Animal activity is not seen.
2. Rigor mortis: the arms are loose. There is moderate rigor mortis in the lower extremities.
3. Lividity: lividity cannot be assessed.

**Evidence of Medical Intervention:** None**Evidence Collected at Autopsy:**

1. Liver and kidneys for toxicology.
2. One tube of blood for toxicology, from the heart.
3. Tissues from the major organs.

**Tattoos:** Two tattoos are seen. One is a none understood design with the word "Crazy" at the top. This is at the left lateral arm. The other is the name "Lori" written over the top surface of the shaft of the penis.

**Radiographs:** None**Incisions:**

1. Head, coronal.
2. Chest, Y-shaped.
3. Abdomen, midline.
4. Throat, midline.

**Examination and Description of Injuries:** Old bruises are present at the upper posterolateral pelvis. The larger is 2 inches and about 1 inch below it is the 1-1/2 inch bruise. They seem older, consistent with the history, but this is not clear due to the decomposition that obscures the findings. No incisions are made into them. No samples are collected. Other signs of trauma are lacking. The head is carefully examined. The brain is a gray-green pultaceous mass without signs of blood or other signs of trauma. There are no sharp force injuries or gunshot wounds to the body.

**Internal Examination for Signs of Natural Pathology:****A. BODY CAVITIES:**

1. Head: The cranium and potential spaces of the head are unremarkable.
2. Chest: Unremarkable, except for decomposition.
3. Abdomen: Unremarkable, except for moderate decomposition.
4. Pelvis: Unremarkable, except for decomposition.

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JANOE AUTOPSY CONTINUED

PAGE 3

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B SYSTEMS

RECEIVED CAL APPEALS OCT 20 2006

1. Central Nervous: The brain is 1245 grams. It consists of a slightly formed gray-green pultaceous mass with some preservation of the surface architecture. It is scooped out of the skull. There are no collections of blood nor are there any signs of pathology that might be seen beyond the obscuration of the decompositional process.
2. Cardiovascular: The heart is 345 grams. It appears enlarged. The estimated weight before decomposition is 445 grams. The left main coronary artery is 60% atherosclerotic with a 2 x less than 1 mm. residual space. The circumflex is 70% occluded near its origin. The left anterior descending branch is 80% occluded in many focal areas, especially proximally. The right coronary artery is unremarkable. Otherwise, the heart with its pericardial sac, epicardium, coronary arteries, myocardium, endocardium and valves is unremarkable. The aorta with its branches and the vena cava with its tributaries are unremarkable. The pulmonary arteries are unremarkable and there are no signs of thromboemboli.
3. Respiratory: The airway is clear. There are no signs of inflammation. The lungs are unremarkable, except for obvious anthracosis.
4. Gastrointestinal: The GI tract, liver, gallbladder and pancreas are all unremarkable. The GI tract is examined by visualization and palpation. No collections of blood are seen. No stones are felt in the gallbladder.
5. Lymphoid: The spleen is moderately enlarged. The estimated weight is 400 grams. The lymph nodes are not prominent.
6. Genitourinary: The kidney both appear hyperplastic. The estimated weight is about 230 grams for each kidney. The surface is smooth. There are no pitted scars. The kidneys, ureters, urinary bladder, prostate and testicles are unremarkable. The prostate and testicles are examined by palpation.
7. Endocrine: The pituitary is not seen. The thyroid and adrenal glands are unremarkable.
8. Musculoskeletal: Unremarkable

**TOXICOLOGY:** A standard coroner's panel is requested.

Also refer to Toxicology Report

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JANOE AUTOPSY CONTINUED

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A-0594-06 CAL APPEALS OCT 06 2006

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**DIAGNOSIS:**

- I. Severe atherosclerotic heart disease.
- II. Signs of old trauma to the right posterolateral pelvic region, no signs of complications.
- III. Drowning.
- IV. History of methamphetamine use (see toxicology report) (33 mg/L blood level).
- V. No history of foul play.
- VI. History of social stress and strain and difficult drug problem.

**CAUSE OF DEATH:** Probable drowning, unknown. Contributing Causes: 1) Chronic methamphetamine use. 2) Atherosclerotic heart disease.

**Manner of Death:** Natural**How injury occurred:** Probable cardiac event due to heart disease and drug use; then drowned.**WITNESSES PRESENT:** Detective John Munoz, Forensic Specialist Ricardo Tomboc, San Bernardino Police Department.

Autopsy Completed 1030 hours, July 28, 2006.



Eugene Carpenter, M.D.  
Pathologist

Date: 8-29-06

EC:pm

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GLENN N. WAGNER, D.O.  
CHIEF MEDICAL EXAMINER

CHRISTINA STANLEY, M.D.  
CHIEF DEPUTY MEDICAL EXAMINER

RECEIVED CAL APPEALS OCT 20 2006

OFFICE OF THE MEDICAL EXAMINER  
5555 OVERLAND AVE., Ste 1411, SAN DIEGO, CALIFORNIA 92123-1245  
TEL: (858) 694-2895 FAX: (858) 495-5956

## TOXICOLOGY REPORT

Name: JANOE, Brett Harvey

SBCCO Number: 06-05661 LD  
Autopsy Number: A0394-06 EC

Date of Death: 07/21/2006

Pathologist: Eugene Carpenter, M.D.

Specimens Received: Heart Blood, Kidney, Liver

<u>Test Name (Method of Analysis)</u>	<u>Specimen Tested</u>	<u>Result</u>
<u>Alcohol Analysis (GC)</u>		
Alcohol (Ethanol)	Heart Blood	0.06 % (w/v)
Acetone, Methanol, Isopropanol		Not Detected
<u>Drugs of Abuse Screen (ELISA)</u>	Heart Blood	
Cocaine metabolites		Not Detected
Opiates		Not Detected
Amphetamines		Presumptive Positive
Benzodiazepines		Not Detected
Fentanyl		Not Detected
Cannabinoids		Not Detected
<u>Amphetamines (GC/MS)</u>	Heart Blood	
Methamphetamine		0.33 mg/L
Amphetamine		Not Detected
Ephedrine		Not Detected
Pseudoephedrine		Not Detected

End Results

Comment:

These results would be consistent with the use of alcohol and methamphetamine.

Approved and Signed:  
08/18/2006

Catherine E. Hamm

Catherine E. Hamm

Toxicologist III

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SEP 25 2006

Reviewed:

J. L. Sherrard  
James Sherrard  
Toxicologist II

SEP 29 2006

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LODGEMENT THIRTEEN

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STATE OF CALIFORNIA

## RULES VIOLATION REPORT PART C OCT 20 2005

DEPARTMENT OF CORRECTIONS

PAGE 8 OF 8

CDC NUMBER J-25333	INMATE'S NAME JANOE	LOG NUMBER 07-06-A-005	INSTITUTION CSP-CAL	TODAY'S DATE 07/17/06
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On, May 17, 2006 at approximately 1000 hours, while performing my duties processing monies received from the institutional mail room, I discovered that check(s) serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 appeared to have been altered. Calipatria State Prison (CAL) Inmate Trust Account Office Personnel received the checks via the institutional mail. I notified Security and Investigations (S&I) Officer #5 V. Canada that I had received, 2 original checks serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 endorsed for payment to a J. Robert West MD Inc, P.O. Box 2150, Redlands Ca. 92373-0701 and below the physician's name typed in bold letters and underlined, was Inmate Janoe, J25333/A1-150, underneath the original endorsee. Both checks were generated by National Heritage Insurance Company (NHIC) for Medicare Payment. On Tuesday, June 13, 2006, at approximately 1000 hours, I relinquished the checks to Squad Officer Canada.

Inmate Janoe is not a participant of the Mental Health Delivery System (MHSDS).

SIGNATURE OF WRITER G. SHEPHERD		DATE SIGNED 7/18/06
COPY OF CDC 115-C GIVEN TO INMATE		GIVEN BY: (Staff's Signature) <i>Cherry</i>
		DATE SIGNED 7-18-06
		TIME SIGNED 1105

LODGEMENT FOURTEEN

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SCREENED OUT

CITIZEN'S BUSINESS BANK 1555 EAST HIGHLAND AVE. SAN BERNARDINO, CA 92413 (909) 889-9501		90-3414 1222	2006430	SEP 29 2006
CHECK DATE	CONTROL NUMBER	AMOUNT	US Dollars	
5/24/2006	2006430	\$3,187.00		
Three Thousand One Hundred Eighty-Seven and 00/100				
<b>RECEIVED CAL APPEALS</b> SEP 29 2006				
<b>RECEIVED CAL APPEALS</b> SEP 29 2006				
TO THE PO. BOX 5069 SAN BERNARDINO, CA 92412-5069 FOR BOBBY JANOE#J25333 REVERSE SIDE OF THIS CHECK HAS AN ARTIFICIAL WATERMARK. MICRILINE TYPE IN CHECK BORDER AND SIGNATURE LINES IS A SECURITY FEATURE.				
  AUTHORIZED SIGNATURES MP MP				
2006430 122341491 238103363				

## PROOF OF SERVICE

I, Bobby S. Janoe, CERTIFY AND DECLARE THAT I AM OVER THE AGE OF (18) YEARS, A PARTY TO THE WITHIN ACTION AND A CITIZEN AND OR RESIDENT OF THE UNITED STATES.

Notice of Lodgement of Exhibits  
I SERVED THE FOLLOWING DOCUMENT(S), Traverse, Case No cv 08-0420 JLS (PoR), UPON THE PARTIES LISTED BELOW BY PLACING SEALED ENVELOPES IN THE UNITED STATES MAIL HERE AT Corcoran state prison, CALIFORNIA AS FOLLOWS:

UNITED STATES DISTRICT COURT  
UNITED STATES MAGISTRATE  
JUDGE L.S. PORTER  
Room 4290  
880 Front street  
San Diego CA 92101-8900

ATTORNEY GENERAL OFFICE  
110 WEST A STREET  
San Diego CA 92101

I, Bobby S. Janoe, SWEAR UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AND DATED THIS 3<sup>rd</sup> DAY OF July, 2008

Bobby S. Janoe  
DECLARANT